## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

| JASON E. MIZE,            | ) |                |
|---------------------------|---|----------------|
| Plaintiff,                | ) |                |
| v.                        | ) | No. 3:11-00065 |
|                           | ) | JUDGE HAYNES   |
| INNOCENTES SATOR, et al., | ) |                |
|                           | ) |                |
| Defendants.               | ) |                |

## ORDER

The Court has before it the *pro se* Plaintiff's motion to reconsider order denying motion to file documents under seal (Docket Entry No. 61).

On August 23, 2011, an Order was entered denying Plaintiff's motion under Rule 60 (Docket Entry No. 53) and to file document under seal (Docket Entry No. 54).

It is generally understood that "the filing of a notice of appeal . . . confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." <u>Griggs v. Provident Consumer Discount Co.</u>, 459 U.S. 56, 58 (1982). An exception to this rule allows "a district court to enter remedial orders not affecting the merits of the appeal." <u>United States v. Holloway</u>, 740 F.2d 1373, 1382 (6th Cir. 1984).

The Court concludes that Plaintiff's motion to file document under seal does not affect the merits of the appeal. Accordingly, Plaintiff's motion to reconsider (Docket Entry No. 61) is **GRANTED**.

It is so **ORDERED**.

**ENTERED** this the **Grade day** of September, 2011.

WILLIAM J. HAYKNIS, JR United States District Judge